

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OTIS LEE BOYD,

Petitioner,

08cv0012

**ELECTRONICALLY FILED**

v.

GERALD ROZUM, ATTORNEY GENERAL  
OF THE STATE OF PENNSYLVANIA,

Respondents.

**Order of Court**

Petitioner appeals the Scheduling Order of United States Magistrate Judge Caiazza (doc. no. 8), wherein Judge Caiazza ordered the district attorney to address the issue of state exhaustion (among other things) by a date certain. Petitioner's "appeal," as he terms it, will be denied because he is attempting to argue the merits of the exhaustion issue. Judge Caiazza's Order did not express an opinion on the merits of the underlying issues related to petitioner's writ of habeas corpus. The merits of this case will be addressed in due course. Accordingly, petitioner's appeal is hereby DENIED.

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s/ Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All Registered ECF Counsel and Parties

The Honorable Francis X. Caiazza  
United States Magistrate Judge

Otis Lee Boyd  
EY4396  
SCI Somerset

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PRO SE PLAINTIFF